

TRANSLATION**PATENT COOPERATION TREATY****PCT****INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P803289/wo/1	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/013187	International filing date (<i>day/month/year</i>) 20.11.2004	Priority date (<i>day/month/year</i>) 23.12.2003
International Patent Classification (IPC) or national classification and IPC B60K41/14		
Applicant DAIMLERCHRYSLER AG		

1.	This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.	
2.	This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.	
3.	This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).	
4.	This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application	

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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International application No.

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Box No. I

Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-12 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 1-10 _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/3-3/3 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	<u>1-10</u>	YES
	Claims		NO
Inventive step (IS)	Claims	<u>1-10</u>	YES
	Claims		NO
Industrial applicability (IA)	Claims	<u>1-10</u>	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
1	Reference is made to the following documents:		
	D6: DE 19834750 A		
	D2: US5860891 A		
2	<p>D6, which is cited in the description, is considered the prior art closest to the subject matter of claim 1 and discloses a device with a unit for actuating a continuously variable motor vehicle transmission, the unit having a normal mode and an acceleration mode, in which the driving speed is higher than that of the normal mode, the unit, in the acceleration mode, triggering a higher driving speed than that of the normal mode when the accelerator pedal is in the same position.</p> <p>The subject matter of claim 1 thus differs from D6 in that the unit is provided for adapting a differential value that represents the difference between the driving speeds in the acceleration mode and the normal mode in accordance with an actual acceleration of a motor vehicle.</p>		

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p>The subject matter of claim 1 is thus novel (PCT Article 33(2)).</p> <p>3 The present invention can therefore be considered to address the problem of providing the driver with acoustic feedback that can be flexibly adapted to the conditions.</p> <p>The solution to that problem as proposed in claim 1 of the present application involves an inventive step (PCT Article 33(3)) for the following reasons:</p> <p>D2 discloses a system for adapting the gear ratio by a speed that is in line with the vehicle acceleration. D2 does not, however, disclose different actuating modes in the sense of the present application. A person skilled in the art would therefore not derive any teaching from a combination of D2 and D6 which could lead to the solution proposed by the present application.</p> <p>4 Claims 2-10 are dependent on claim 1 and therefore likewise meet the PCT requirements for novelty and inventive step.</p>

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

- 5 The application does not meet the requirements of PCT Article 6 because claim 1 is unclear.

It is not clear in the present claim 1 that in the acceleration mode the unit triggers a higher driving speed than that of the normal mode when the accelerator pedal is in the same position.

The addition of that feature would make claim 1 clear.

- 5.1 The applicant should indicate where in the original application is to be found the feature "in the acceleration mode the unit triggers a higher driving speed than that of the normal mode when the accelerator pedal is in the same position" (PCT Article 19).